

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES IMMEDIATE

C O N F I D E N T I A L STATE 227379

EXDIS FOR THE AMBASSADOR

E.O. 11652: GDS

TAGS: PFOR, EAID, SHUM, IDB, PORC, US, AR

SUBJECT: HARKIN AMENDMENT

1. THE HARKIN AMENDMENT TO THE IDB AUTHORIZATION BILL INSTRUCTS THE US EXECUTIVE DIRECTOR TO VOTE AGAINST LOANS OR GRANT ASSISTANCE TO ANY COUNTRY WHICH "ENGAGES IN A CONSISTENT PATTERN OF GROSS VIOLATION OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS -- UNLESS SUCH ASSISTANCE WILL DIRECTLY BENEFIT THE NEEDY PEOPLE --". THE LEGISLATIVE HISTORY OF THE AMENDMENT INDICATES CONGRESSIONAL INTENT THAT THE EXCEPTION CLAUSE BE INTERPRETED BROADLY.

2. HOWEVER, THE EXCEPTION CANNOT BE APPLIED TO A LOAN TO ARGENTINA FOR INDUSTRIAL CREDITS WHICH GOES BEFORE THE IDB BOARD ON SEPTEMBER 16. THE DEPARTMENT HAS THEREFORE FOUND IT NECESSARY TO EXAMINE THE QUESTION OF WHETHER "A CONSISTENT PATTERN OF GROSS VIOLATIONS" EXISTS IN THE CASE OF ARGENTINA. WE HAVE CONCLUDED THAT AVAILABLE EVIDENCE DOES NOT AT THIS TIME JUSTIFY A FIRM CONCLUSION THAT THE ARGENTINE GOVERNMENT IS ENGAGED IN SUCH A PATTERN AND HAVE

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ASKED ON THAT BASIS THAT TREASURY INSTRUCT THE EXECUTIVE

DIRECTOR TO VOTE FOR THE LOAN. THE DEPARTMENT PARTICULARLY RECOGNIZES THE CHAOTIC AND POSSIBLY TRANSITORY NATURE OF THE CURRENT ARGENTINE SITUATION.

3. BUT WE ARE ALSO AWARE THAT ELEMENTS OF THE GOA ARE INVOLVED IN RIGHTWING TERRORIST ACTIVITIES AND THAT THOSE IN CENTRAL AUTHORITY HAVE TAKEN LITTLE APPARENT ACTION TO RESTRAIN THEM. IT IS CLEAR THAT THE HARKIN DETERMINATION IN THIS CASE IS A VERY CLOSE THING. THE GOA'S FAILURE TO TAKE MEASURES TO BRING THE SECURITY FORCES UNDER CONTROL WOULD NECESSARILY LEAD TO THE CONCLUSION THAT WE ARE LOOKING AT A "CONSISTENT PATTERN" RATHER THAN A TRANSITORY SITUATION.

4. YOU SHOULD SEEK AN APPOINTMENT AT THE HIGHEST AVAILABLE LEVEL OF THE GOA TO MAKE THE FOLLOWING POINTS:

-- THE USG FULLY REALIZES THAT THE GOA IS ENGAGED IN A MOST SERIOUS EFFORT TO SUPPRESS VIOLENT SUBVERSION AND REGAIN NATIONAL STABILITY. WE ARE SEEKING TO COOPERATE WITH THE PROGRAM OF ECONOMIC RESTORATION SO CRITICAL TO THAT EFFORT.

-- THAT COOPERATION COULD BE RESTRICTED BY THE HARKIN AMENDMENT. (YOU SHOULD EXPLAIN THE PRECISE WORDING AND WORKINGS OF THE AMENDMENT.) THE ADMINISTRATION OPPOSES THE INJECTION OF THIS ISSUE INTO THE INTERNATIONAL LENDING AGENCIES, BUT THE CONGRESS IN THIS CASE DIFFERED AND THE AMENDMENT IMPOSES A LEGAL OBLIGATION ON US.

-- WE ARE THEREFORE OBLIGED TO VOTE AGAINST LOANS OR GRANTS BY THE IDB WHERE A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS EXISTS. THE JUDGEMENT ON THAT POINT IN THE CASE OF ARGENTINA HAS PROVED DIFFICULT TO MAKE.

-- WE ARE WELL AWARE OF THE CRITICAL PUBLIC ORDER PROBLEMS CONFRONTING THE GOA AND HAVE TAKEN NOTE OF PRESIDENT VIDELA'S STATEMENTS THAT HE INTENDS TO ENSURE RESPECT FOR FUNDAMENTAL HUMAN RIGHTS. ON THE OTHER HAND, RIGHTWING

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COUNTER-TERRORISM AND OUTBREAKS OF ANTI-SEMITISM HAVE RAISED THE QUESTION OF WHETHER A CONSISTENT PATTERN WITHIN THE TERMS OF OUR LAW MIGHT NOT IN FACT EXIST IN ARGENTINA.

-- WE HAVE DECIDED THAT THE EVIDENCE DOES NOT AT THIS MOMENT JUSTIFY A FIRM CONCLUSION THAT SUCH A PATTERN DOES EXIST. THE US EXECUTIVE DIRECTOR WILL THEREFORE VOTE

AFFIRMATIVELY ON THE CURRENT LOAN APPLICATION FOR
\$8 MILLION IN EXPORT CREDITS.

-- BUT IT IS APPARENT THAT THIS FINDING CANNOT BE SUS-
TAINED FOR LONG UNDER THE LAW WE MUST CARRY OUT IN THE
ABSENCE OF ACTION BY THE GOA DIRECTED AT BRINGING COUNTER-

TERRORISM, TORTURE, ARBITRARY DETENTION AND ANTI-SEMITISM
UNDER CONTROL. SUCH ACTION WILL BE NECESSARY IF WE ARE TO
AVOID VOTING AGAINST FUTURE LOANS TO ARGENTINA IN WHICH
A DETERMINATION UNDER THE HARKIN AMENDMENT IS REQUIRED.

-- OUR INTENTION IS TO DEAL WITH ARGENTINA IN A COOPERA-
TIVE AND HELPFUL SPIRIT DURING THIS DIFFICULT PERIOD. IT
IS IN THAT SPIRIT THAT WE ARE OFFERING THIS EXPLANATION.

5. WE WILL MAKE THE SAME POINTS TO AMBASSADOR MUSICH HERE.
WE ARE ALSO BRIEFING APPROPRIATE MEMBERS OF THE CONGRESS.

ROBINSON

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